

by a reference to the constitution itself. The constitution is an instrument which grew out of the situation of the United States at the time of and preceding its adoption; and to show that the constitution recited the great objects of its formation, and then prescribed the means for carrying them into effect, I beg leave to refer to a part of the instrument itself. The preamble, like all other preambles, was designed to express the objects of the instrument or the ends to be effected by its provisions. "We the people of the U. States in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity: do ordain and establish this constitution for the United States of America." What is the plain language of this preamble? The answer is obvious. That certain great ends or objects are here proposed to be effected. In what mode, or by what means are they to be effected? The preamble tells you, sir, "by establishing this constitution for the U. States of America." That is the mode in which these great ends are proposed to be effected; and the body of the instrument prescribes the means, which were deemed necessary and proper to the effectuation of these ends. This subject will be better understood by throwing the mind back to the period of time, when this constitution originated; and reviewing the peculiar political situation of the United States then, and for some time antecedent thereto.

At the time, and antecedently to the establishment of the present constitution, the existing state governments were in possession of all the powers of sovereignty, subject only to feeble and inefficient articles of confederation, without the means of executing their own will; and resting for its execution solely on requisitions upon the respective states, which might either comply or refuse to comply with such requisitions at their discretion. A non-compliance was almost invariably the result of state deliberations; and hence the feebleness of the old confederation. The present constitution was adopted as the remedy for this great and alarming evil. Without it, anarchy and ruin to the states would have been the inevitable consequences; because, upon actual experiment, the states were found utterly incompetent to the due administration of all the powers of sovereignty entrusted to their management. The reason of this incompetency was, that some of the most important powers of sovereignty inherently possessed a geographical influence beyond the geographical limits of the several states individually; & their jurisdiction could not transcend their geographical limits. Of this description of powers is the power to declare war, &c. to regulate commerce, &c. &c. and all the other enumerated powers of the constitution. In consequence of the conflicting systems adopted by the several states in relation to some of these powers, which were then in practical operation; particularly in the conflicting regulations of commerce; the states were getting into the most serious collisions, &c. &c. The formidable evils necessarily growing out of this state of things required a formidable and competent remedy. The great subject for the contemplation of every reflecting mind in America was, what that remedy should be? The wise framers of our admirable constitution, after great deliberation, conceived and executed the only practicable expedient. It consisted in separating the powers of sovereignty; in establishing a general government, and conferring on it all the powers of sovereignty whose geographical influence was found co-extensive with the geographical limits of the United States, and reserving to the state governments respectively those powers which were of a more local character, and which possessed no influence beyond the limits of the states respectively. And also to confer on the general government "all the means necessary and proper" for executing its own laws in relation to these enumerated powers, without any dependence upon requisitions from the respective state governments for this indispensable object. The idea was a grand one, and executed with an admirable simplicity, and the most consummate wisdom. Hence it appears, that the great object of the framers of the constitution was, to establish a general or federal government, and to confer on it all the powers of sovereignty, which in their nature and character possessed an influence co-extensive with the U. States; and to reserve to the previously existing state governments all the powers of sovereignty of a more local character, and whose influence did not ex-

tend beyond the geographical limits of the states respectively, and therefore could be rendered completely subservient to state jurisdiction and management. These are the means prescribed in the constitution, for effecting the ends expressed in the preamble. To the administrators of the general government, the framers of the constitution have said—We give to you all the powers of sovereignty of a general character; and to the administrators of the state governments, they have said—We reserve to you all the powers of sovereignty of a local character. I verily believe, that if those various governments should be administered with the wisdom with which this separation of powers was made in the body of the constitution, the people of the United States will not be disappointed in the great and interesting objects proclaimed in its preamble. But I cannot help expressing some apprehensions, that from an incorrect understanding of the constitution—from an unwise spirit of jealousy a disposition to strip the government of its necessary and proper energies, &c. &c. the administrators of the government may not only disappoint the just expectations of the people in this respect, but may lead to incalculable political mischiefs & disasters. This arrangement was in my judgment indispensable to the preservation of the republican principle, and all important to the dearest interests of the people of the United States. As far as the practical experiment has been carried, it has been attended with the happiest effects. I still hope for the best in its future operations; but I also hope I shall be pardoned for expressing some fears, arising from various manifestations of imbecility in measures relating to our internal as well as external concerns. From this short history of the origin of the constitution, and the causes which produced it, it evidently appears, that the general or federal government is in its nature and character a government of enumerated powers, taken from previously existing state governments enumerated and conferred on it, reserving all unenumerated powers to the state governments, or to the people in their individual capacities. But if any doubts had existed upon this subject, two amendments to the constitution, growing out of some jealousies, lest a contrary interpretation should be given to the constitution, have been adopted, which ought to put this question to rest forever. The 9th and 10th articles of amendments to the constitution are as follow:—

"The enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people." "The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people." Now, sir, can language be more explicit than this, in declaring that this charter contains certain enumerated powers and that all not enumerated are reserved to the states or to the people? There is one article reserving rights to the people, and afterwards another article reserving them to the states and to the people. While on this subject, I beg leave to read a clause in the constitution, which I find among the enumerated powers, and which has been construed by some, as intended to convey a general grant of powers amongst the enumerated powers. "Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the U. States." The words "and to provide for the common defence and general welfare" have by some been considered as conveying a general grant of power. Nothing is necessary to show, that this is not a fair and correct construction of the constitution, but reading it with attention. These terms contain no grant of power whatever, but are used to express the ends or objects, for which particular grants of power were given. Paying the debts and providing for the common defence and general welfare are great objects intimately connected with the particular grants of power, which are given for their effectuation; and without these particular grants of power, it would not have been possible for Congress to effect them. The framers of the constitution have simply selected some of the objects expressed in the preamble, and declared that to effect them, and to pay the debts of the United States, were the considerations which induced them to give to Congress the "power to lay and collect taxes," &c. Thus taxes are to be laid, &c. "to pay the debts and to provide for the common defence and general welfare." Could they have chosen a more appropriate phraseology? The plain language to Congress is—

"You shall have power to lay and collect taxes, to pay the debts, &c." and to provide for the common defence and general welfare, or in other words, for the purpose of paying the debts, &c. and of providing for the common defence and general welfare. These words do not contain a general grant of powers, but express the objects of a particular grant of powers. The framers of the constitution could not have done an act so absurd as to make a general grant of powers, amongst an enumeration of specified powers.

I will now, Mr. President, proceed to examine those in tances which the gentleman has presented of the supposed aberrations of the Congress of the United States from the enumerated powers; and I think it will not be difficult to show that there is not a single instance quoted, but which is deducible from a fair and correct interpretation of the express words of the constitution, giving them their common and appropriate meaning.

The first instance presented to our consideration by the honorable gentleman from Georgia [Mr. Crawford] of the exercise of a power by Congress not enumerated in the constitution, was the erection of light houses. The gentleman from Massachusetts [Mr. Lloyd] to whose dispassionate observations I listened with great pleasure, superadded the instance of the erection of custom houses. On these, both of the gentlemen seemed to place great reliance, as cases in point with the one under consideration. Both these powers I conceive are given to Congress by the express words of the constitution; but if I should be mistaken in this idea, they are certainly comprehended as incidental and subservient to, or in other words, "necessary and proper" for carrying into effect some of the enumerated powers.

[To be Continued.]

From the National Intelligencer.

TO THE EDITOR.

No. III.

We have said that it is to the agency of the government, either positive or negative, in repressing that speculation, which is ever prone, without labor, to amass wealth at the expense of the industry of others, that it owes the incessant calumny that traduces all its measures.

Before we proceed to prove this allegation, it is important to premise, that if there be any feature, that pre-eminently characterises a free and good government, from one that is despotic and vicious, it is the repression of this baleful spirit, which is the real foundation of all the odious and destructive monopolies in existence.—While the physical and intellectual powers of man are left free to employ themselves as the judgment of their possessor may direct, every thing valuable finds its proper level and its due value. Equal exertions are always accompanied by the same rewards. No one occupation or profession is either elevated or depressed above or below its just standard. An active industry and lively competition constantly tend to equalise, and consequently to distribute among the greatest numbers, the good things of this life. Honest industry, almost invariably affording comfort and respect, is considered honorable, and rarely fails to obtain an adequate reward. Under such auspices there is no stagnation; the stream of human exertion flows with a constant and equal current; the whole riches and industry of the community are in steady motion; and the condition of every individual as well as that of the nation is in a progressive state. A better definition of happiness cannot, perhaps, be given than is afforded by such a state of things. He may confidently be pronounced happy to whom every passing day brings an accession, however small, of those things which administer to his comfort and to the comfort of those most dear to him.

Reverse the picture, and contemplate the effects of a system, under whose gloomy auspices industry is ground to the dust, is totally bereft of the main spring of exertion, is considered grovelling and debasing. Under a system, which, trampling the laboring classes under foot, raises upon their degradation separate orders of men, who, acquiring no part of their vast possessions from their own labor, can only subsist on the vassalage of those who do labor. For these yokes and chains must be forthwith prepared; fear and force can alone keep them under and compel them to work; for an axiom is better established than this—that the sole voluntary inducement to labor is the reward it brings.—

Once withdraw this and man will become idle and vicious, and work only under the lash of a master.

Our Republican government have established no monopolies, unless, indeed, the Bank of the United States be denominated one, which has been permitted to fall with the period of its charter; it has abstained systematically from the creation of new debts whereby a monied interest detrimental to the freedom of labor and the general liberty might have been formed; it has, indeed, so far from increasing the old debt reduced it to nearly one half; it has kept the public lands entirely out of the vortex of speculation by the high price at which they have been sold, and the facilities afforded to the settlers; it has kept down the military establishment, and has thereby prevented the increase of the unproductive class of the community, which in most of the governments of Europe has risen to a dangerous height; and it has reserved within moderate limits the naval force, which in other countries has been such a voracious gulph of expence, and which in this country however fostered, would but too probably prove an empty pageant whenever a collision with Britain called upon it to display its powers.

Had Banks been extended, had the public debt been rapidly increased, had the public lands been wantonly thrown in great masses into the market, and the army been swelled to the usual European extent, wings would have been given to speculation. Thousands and tens of thousands would have deserted the plough, and have rushed into the raging vortex from which no one ever returns. These men would have rallied round their great patrons, and by clamor or the bayonet have forced down all their measures, however unjust or tyrannical. Indeed the more unjust and tyrannical they should be, the more steady would have been the devotion of men, conscious that their reward, if not their existence, depended upon the oppression of the people. No reflection is intended, by these remarks, to be cast upon the existing army. They are only applicable to those overgrown establishments, which are the deadliest scourges ever inflicted on the human race, and which invariably closely precede, accompany, or follow despotism.

The justness of these last observations will be disputed by no virtuous and enlightened man. It is impossible for chaste minds to entertain different views of the subjects on which they have been offered. But in approaching the last topic noticed, some diversity of opinion will be found to exist among the best men. Whether commerce can or ought to be protected by arms in the present state of the United States and the world, in what degree, and by what means it should be protected, are questions not so easily solved.

On such an occasion a proper respect for the judgment of others should restrain a public writer from all acrimonious remarks, and when the superior obligations of truth call upon him to speak in a decided tone of particular classes of men, he should so qualify his strictures as to steer clear of every thing like personality.

That commerce is a blessing, that it greatly promotes if indeed it is not essential to the prosperity of a great state, we shall not question.

It is, nevertheless, not the less true, that the merchant and the sailor constitute an unproductive class; and that they are only so far beneficial as they advance the interest of those classes that are productive. This has been very lucidly shown by Adam Smith, Turgot, and several other eminent economical writers.

The aid derived by the productive classes from commerce consists in the facility given them to part with their surplus products, and receive in exchange for them either gold or silver, or the surplus products of other nations.

So far as such a trade is pursued it may be justly considered as the proper legitimate trade of the nation that carries it on. To such an extent it has a right to pursue it; because by so doing it merely advances its own interests without invading the interests of others. While this principle is maintained, all nations commercially connected enjoy a community of interests. Such a commerce a nation has a just right to maintain by all honorable means; the sword may lawfully be drawn in its defence.

Whenever a nation oversteps these limits, she invades the interests of other nations, and, as a long experience evinces, makes them her enemies. Force is resorted to, and wars, with all their train of horrors, ensue. Often, indeed generally, the trade fought for, to say nothing of the inappreciable

loss of human lives, is worth less than the sums expended in the contest.

Here then are the boundaries which ought to circumscribe the trade of the United States. It may be made a question, whether in her infancy she ought to go so far; every consideration of policy or justice forbids her going beyond them.

SOLON.

BALTIMORE, May 7.

LATESTS FROM CADIZ.

The brig Eliza and Mary Wood, Terwilliger, arrived here yesterday in 23 days from Cadiz.

Capt. Terwilliger and a Mr. McFavain informs that the report lately received of the battle fought by general Graham and the French is true in all its circumstances. Another expedition since then was attempted, but failed, owing, it is said, to the treachery of pilots who were entrusted with the direction. A very general jealousy exists between the Spaniards and British, which appears to defeat every exertion of the English, and is likely to be attended with very serious consequences. Gen. La Pena was to be tried by a court martial. The French (about 7000) still retain their posts and frequently throw shells into the town, which does sometimes damage. When the Eliza and Mary left Cadiz it was said another expedition was intended under General Pepe. Reports stated that in all the skirmishes to the westward the Spaniards were generally successful.

PHILADELPHIA, May 17.

Extracts to the Editor of the Aurora.

"Cadiz, 9th March, 1814."

"On the 5th inst. a severe battle was fought by the British and French troops on the plain of Barossa, about fifteen miles from Cadiz, and 5 miles from the Isla. The French force consisting of about 8,000 and the British of 5500 men, in which after one of the most sanguinary conflicts, proportioned to the numbers, that has occurred since the commencement of the war, the French were delineated with the loss of an eagle, two general officers, four standards, five pieces of artillery, between 4 and 500 prisoners (now at the Isla) and upwards of 2000 killed. The British, out of 5000 at the commencement of the action, I am informed, when it was over, could barely muster 2500, the returns made public, only admits of 1241 killed and wounded. One regiment alone, the guards, lost 17 officers and 400 men; the loss of the other regiments was little inferior. The total loss of officers is above 74.

"This battle was fought in the presence of 15,000 Spaniards under general Pena, who was commander in chief, without their making the least effort to assist, tho' general Graham sent frequent messages stating his desperate situation.

"This brave old man [Graham] had his hat knocked off by an eighteen pound shot and shortly after had a musket ball through it. The French turned all their force against the British, and nothing but the most extraordinary bravery and steadiness could have saved even a part of those fine fellows, about to be sacrificed to perfidy and cowardice. The enclosed general orders issued, next morning, will show you how sensible General Graham was of his critical situation—had one company given away—all was lost.

"The British kept possession of the field of battle that night, and next day returned to the Isla where they still remain, leaving the Spaniards to occupy the ground they had so nobly won.

"The day following this action (the 6th) a few hundred marines and sailors were landed on the opposite side of the bay, in the neighborhood of St. Marys & Rota: destroyed a few small batteries, stores, &c. and summoned fort Catalina to surrender, but the sudden appearance of about 2000 troops, compelled them to embark with all possible haste, and regain their ships, bringing off about 30 prisoners, with the loss of about 20 men killed and wounded.

"The Spaniards arrived, as usual, when this little affair was over, and had the honor of joining the British in their retreat!

"Thus has ended an expedition, upon which much was calculated. The British officers and men express themselves in strong and unreserved terms of their disapprobation of the conduct of the Spaniards: the Spaniards on the other hand, are sensible they merit it, and without appearing to consider the selves much obliged to their protectors; from this situation of things you must draw your conclusions.

"It appears that the British were